IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

CRL.A.No. 943 of 2002()

CC.221/2000 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, NEDUMANGAD

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APPELLANT: COMPLAINANT:

NADHEER, REPRESENTED BY HIS POWER
OF ATTORNEY HOLDER MR. ABUBACKER,
VILAYIL VEEDU, THEVANPURA
THOLICODE P.O.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: ACCUSED & STATE:

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1. K.P. VIJAYAKUMAR, KALLIVILA VEEDU
VARAVOOR, VADAKKANCHERRY, THRISSUR DIST.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.943 of 2002(C)

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Dated this the 16th day of August, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.221/2000 in the file of the Judicial Magistrate of the First Class-II, Nedumangad, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned due to unavoidable circumstances.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 17/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.943 of 2002(C)

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J U D G M E N T

16th August, 2007